

Message Text

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INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY MOSCOW

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C O N F I D E N T I A L SECTION 1 OF 2 BERLIN 0744

E.O. 11652: GDS

TAGS: PGOV, PFOR, WB, UR

SUBJECT: SAUVAGNARGUES-YEFREMOV CONVERSATION, 29 APRIL

REF: BERLIN 734

1. SUMMARY: FRENCH MISSION HAS PROVIDED MORE DETAILED ACCOUNT OF SAUVAGNARGUES-YEFREMOV CONVERSATION APRIL 29, REPORTED REFTEL. IN TURNING TWICE TO THEME OF FEDERAL OFFICES IN BERLIN, YEFREMOV THREATENED GDR RETALIATION SHOULD FEA BE ESTABLISHED. SAUVAGNARGUES IN RESPONSE EMPHASIZED ASSURANCE SOVIETS HAD RECEIVED FROM SECRETARY KISSINGER ON BEHALF OF THREE ALLIES. END SUMMARY.

2. AFTER HAVING EXPRESSED HOPE THAT FRANCE WOULD CONTINUE TO FOLLOW FOREIGN POLICY OF DE GAULLE AND POMPIDOU AFTER ELECTION OF NEW PRESIDENT, YEFREMOV BEGAN BY UNDERSCORING HIS INTEREST IN PERIODIC CONTACTS WITH ALLIES ON "WEST BERLIN." THESE CONTACTS SHOULD BE DEVELOPED, NOT IN ORDER TO IMPROVE OR PERFECT QA, BUT RATHER TO RESOLVE PRACTICAL PROBLEMS
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THAT AROSE. SEVERAL PRACTICAL PROBLEMS, YEFREMOV

DECLARED, EXISTED AT PRESENT TIME.

3. FIRST OF THESE HAD TO DO WITH FEDERAL OFFICES THAT "CERTAIN ELEMENTS" IN FRG WERE CONTRIVING TO HAVE ESTABLISHED IN BERLIN. SOVIET UNION WAS SYSTEMATICALLY OPPOSED TO THIS, AND, IF ITS WARNINGS WERE IGNORED, DIFFICULTIES THAT WOULD ARISE WOULD FALL ON THOSE WHO WERE RESPONSIBLE. SECOND PROBLEM, ACCORDING TO YEFREMOV, WAS BRUECKMANN AFFAIR, IN WHICH FEDERAL CONSTITUTIONAL COURT HAD INVOLVED ITSELF BY TAKING DECISION CONTRARY TO THAT OF BERLIN COURT, WHICH HAD DECIDED TO RETURN ACCUSED TO GDR. THIRD PROBLEM RESULTED FROM "ILLEGAL" SENAT OPPOSITION TO GDR MANAGEMENT OF WATERWAYS CROSSING WEST BERLIN. FOURTH STEMMED FROM NPD ARRANGING "NEEDLESS PROVOCATION" IN FORM OF CONGRESS TO BE HELD IN WESTERN SECTORS. YEFREMOV SAID THAT ALLIES SHOULD TAKE ACTION IN ALL THESE AREAS AND ASSUME THEIR RESPONSIBILITIES, FOLLOWING HIS OWN RECENT EXAMPLE IN RECOMMENDING THAT TANK AND SOLDIERS THAT HAD STRAYED INTO GDR BE RETURNED TO AMERICANS. (COMMENT: THIS IS FIRST INDICATION YEFREMOV HAD BEEN BROUGHT INTO THIS DECISION--UNLESS HE IS JUST TAKING CREDIT.)

4. IN HIS RESPONSE, SAUVAGNARGUES FIRST OF ALL NOTED THAT, IF WE SHOULD AVOID HAVING RECOURSE TO CONSULTATIONS CLAUSE OF QA, IT WAS NONETHELESS NECESSARY FOR SOVIETS AND ALLIES TO HAVE CLOSE AND CONFIDENT RELATIONS CONCERNING APPLICATION OF ARRANGEMENT OF 3 SEPTEMBER 1971. FRENCH AMBASSADOR THEN EMPHASIZED THAT QUESTIONS RAISED BY HIS SOVIET COLLEAGUE WERE NOT REALLY SERIOUS. REGARDING FEDERAL OFFICES IN BERLIN, YEFREMOV WAS SURELY AWARE OF ASSURANCES THAT SECRETARY KISSINGER HAD GIVEN GROMYKO IN NAME OF THREE ALIES DURING SECRETARY'S MOST RECENT VISIT TO MOSCOW. SOVIET UNION HAD NO REASON TO FEAR UNDUE AND SYSTEMATIC STRENGTHENING OF FEDERAL PRESENCE IN BERLIN. AS FAR AS FEA WAS CONCERNED, IT SHOULD BE RECOGNIZED THAT DECISION HAD ALREADY BEEN TAKEN. ALLIES COULD NOT RECENT NOW AND DECREE THAT FEA WOULD BE ILLEGAL, AND FRG WOULD ALSO FIND IT DIFFICULT TO GO INTO REVERSE. CONFIDENTIAL

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IT WOULD BE ADVISABLE NOT TO DRAMATIZE THIS QUESTION. WERE NOT INDICATIONS THAT SECRETARY KISSINGER HAD GIVEN TO SOVIET UNION MORE IMPORTANT THAN THIS DIFFERENCE OVER FEA? (COMMENT: BERLIN FDP CHAIRMAN LUEDER TOLD MISSION OFFICER APRIL 30 THAT FDP REPRESENTATIVE, WHO WAS AT FRENCH AMBASSADOR'S RECEPTION FOR BERLIN BUNDESTAG DEPUTIES ABOUT A MONTH AGO, REPORTED SAUVAGNARGUES AS SAYING THEN THAT ALLIES WERE IN

AGREEMENT THAT THERE WOULD BE NO ADDITIONAL FEDERAL INSTITUTIONS ESTABLISHED IN BERLIN AFTER FEA.)

5. WITH REGARD TO BRUECKMANN AFFAIR, SAUVAGNARGUES SAID THAT YEFREMOV HAD UNDOUBTEDLY NOTICED THAT ALLIES HAD REAFFIRMED IN THIS INSTANCE LACK OF COMPETENCE OF FEDERAL CONSTITUTIONAL COURT IN BERLIN. (WRITTEN ACCOUNT OF CONVERSATION, IN CONTRAST TO FRENCH MINISTER'S ORAL REPORT IN REFTEL, DOES NOT MENTION SAUVAGNARGUES' INFORMING YEFREMOV ABOUT RECENT ALLIED LETTER TO SENATOR KORBER ON BRUECKMANN CASE.)

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6. IN REPLYING TO YEFREMOV'S REFERENCE TO DISPUTE BETWEEN GDR AND SENAT ABOUT SIGNS ON WATERWAYS CROSSING WESTERN SECTORS; SAUVAGNARGUES ARGUED THAT CLEAR DISTINCTION SHOULD BE MADE BETWEEN SITUATION IN LAW AND SITUATION IN FACT. WE WERE AWARE THAT NOT ONLY WATERWAYS BUT ALSO RAILROADS CROSSED WESTERN SECTORS, AND THAT IT WAS DIFFICULT TO SEPARATE THEM IN PRACTICE FROM GDR NETWORK. WE HAD NOT QUESTIONED THE WISDOM OF MAINTAINING ESTABLISHED PRACTICES IN THIS AREA. HOWEVER, COMPETENCE THAT WE RECOGNIZED WAS THAT OF REICHSBAHN AND NOT OF GDR; WE

HAD AT NO TIME ACKNOWLEDGED THAT GDR COULD EXERCISE SOVEREIGN RIGHTS ON RAILROADS AND WATERWAYS IN THREE WESTERN SECTORS. SUCH A CLAIM WAS IN FACT REFUTED IN ADVANCE BY QA, WHICH HAD RECOGNIZED ANEW AUTHORITY OF THREE POWERS IN THEIR SECTORS. THIS EXCLUDED ANY GDR RIGHT. IT WAS OF LITTLE IMPORTANCE IF THIS REASONING MIGHT SEEM ABSTRACT TO SOME; THE ESSENTIAL THING WAS THAT ALL HAD BEEN FUNCTIONING WELL IN PRACTICE. GDR NOW SOUGHT TO RAISE QUESTION OF PRINCIPLE, IN DECLARING THAT SENAT DID NOT HAVE RIGHT TO TAKE CERTAIN MEASURES AND THAT IT WAS QUESTION OF AREA RESERVED TO CONFIDENTIAL

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GDR. SUCH CLAIMS WERE QUITE FRANKLY INADMISSIBLE. AUTHORITY OF GDR COULD NOT BE EXERCISED IN THIS AREA AS THAT OF SOVEREIGN STATE, SINCE SOVEREIGNTY RESTED WITH THREE POWERS.

7. FRENCH AMBASSADOR CONTINUED THAT QA HAD CLEARLY SPECIFIED THAT PROVISIONS HAD BEEN ADOPTED "WITHOUT PREJUDICE TO VIEWS OF RESPECTIVE PARTIES." GDR COULD ENTERTAIN ITS OWN THESES, BUT IT HAD NO RIGHT TO INVOKE QA IN SEEKING TO PUT THESE INTO PRACTICE AND TO THREATEN TO PROVOKE DIFFICULTIES ON TRANSIT ROUTES. SUCH AN ATTITUDE GAVE IMPRESSION THAT THERE WAS DESIRE TO USE QA FOR GOALS OTHER THAN THOSE FOR WHICH IT WAS NEGOTIATED. ONE SHOULD NOT UTILIZE QA TO ATTEMPT TO GIVE STANDING TO THESIS OF GDR COMPETENCE ON RAILROADS AND WATERWAYS IN WESTERN SECTORS. QUESTION RAISED BY SOVIET AMBASSADOR WAS OF LITTLE INTRINSIC SIGNIFICANCE, BUT WAS GOOD EXAMPLE OF WHAT FOUR POWERS HAD SOUGHT TO AVOID IN SIGNING QA, THAT IS, CONFRONTATION OF OPPOSING LEGAL THEORIES. IT WOULD BE ADVISABLE IF YEFREMOV WERE TO INDICATE TO HIS GDR FRIENDS THAT THEY WERE CREATING NEEDLESS DIFFICULTIES HERE.

8. FINALLY, ON NPD, SAUVAGNARGUES SAID THAT ALLIES HAD FOR SEVERAL YEARS REGULARLY PROHIBITED PARTY'S DEMONSTRATIONS IN BERLIN. MORE GENERAL BAN HAD BEEN CONSIDERED AT ONE POINT DURING QA NEGOTIATIONS, BUT HAD BEEN MADE CONTINGENT ON ISSUANCE OF NO-FEE VISAS ON ACCESS ROUTES. THIS SOLUTION HAD IN THE END PROVED UNATTAINABLE ON ACCOUNT OF ATTITUDE OF GDR.

9. FOLLOWING SAUVAGNARGUES' PRESENTATION, YEFREMOV RETURNED ONCE AGAIN TO THEME OF FEDERAL OFFICES. IT WAS AS DIFFICULT, HE MAINTAINED, FOR GDR TO RETREAT AS IT WAS FOR FRG. GDR COULD NOT REMAIN INACTIVE IF FEA WAS ESTABLISHED IN BERLIN. AMBASSADOR SAUVAGNARGUES REPEATED THAT SOVIET UNION SHOULD NOT IGNORE VALUE OF

ASSURANCES IT HAD RECEIVED FROM ALLIES.KLEIN

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